

11-08-00

A

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
Immusonic-004

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTSBox Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application invention entitled:

The Use of Beta 1,3 - Glucan - Containing Compositions to Potentiate Immune Responses by Upregulating the Expression of Costimulatory Molecules

and invented by:

Dr. Kenneth W. Hunter, Dr. Ruth A. Gault, and Mr. Frank M. JordanIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 27 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
a. ☐ Formal b. ☒ Informal Number of Sheets 3 sets of 3
4. ☒ Oath or Declaration
a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
c. ☒ With Power of Attorney ☐ Without Power of Attorney
d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*
a. ☐ Paper Copy
b. ☐ Computer Readable Copy
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
☐ First Class ☒ Express Mail *(Specify Label No.):* EL617999225US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1

17. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

8. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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1c945 U.S. PTO
09/707582
11/06/00

Fee Calculation and Transmittal

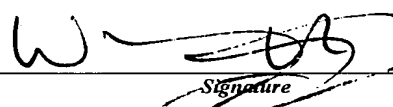
CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	21	- 20 =	1	x \$9.00	\$9.00
Indep. Claims	3	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose) Assignment Recordations (3) & Petition re: Color Photos					\$250.00
TOTAL FILING FEE					\$614.00

- ☒ A check in the amount of \$614.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 13-2166 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

11/6/00


Signature
William P. Ramey, III
Reg. # 44,295
The Matthews Firm
1900 West Loop South, Suite 1800
Houston, Texas 77027
713-355-4200 Telephone
713-355-9689 Facsimile

cc:

ATTORNEY DOCKET NO.: Immusonic-004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hunter et al.

Serial No.:

Art Unit:

Filed:

Examiner:

For: The Use of β 1,3-Glucan-Containing Compositions to Potentiate Immune Responses by Upregulating the Expression of Costimulatory Molecules

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Group Director, Group _____ (MPEP 1002.02(c))

PETITION UNDER §1.84(b)(2) FOR COLOR PHOTOGRAPHS

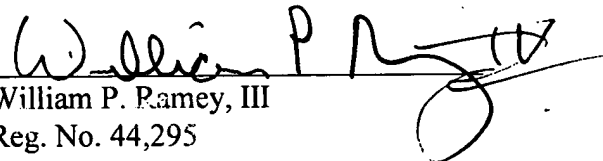
Applicant hereby petitions the United States Patent and Trademark Office to accept color photographs.

Color photographs are the only practical medium by which to disclose the subject matter sought to be patented. The immunofluorescence photomicrograph demonstrating the upregulation and cell surface expression of B7 is most succinctly demonstrated by the color photographs.

Accordingly, applicant respectfully requests acceptance of the filing of the color photographs.

Respectfully submitted:

11/6/00
Date


William P. Ramey, III
Reg. No. 44,295

The Matthews Firm
1900 West Loop South, Suite 1800
Houston, Texas 77027
Phone: (713) 355-4200
FAX: (713) 355-9689

11/09/2000 SSITHIB1 00000058 09707582

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Hunter, et al**

Docket No.

Immusonic-004

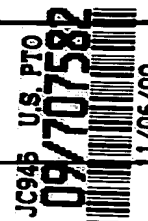
Serial No.

Filing Date

Examiner

Group Art Unit

Invention: **The Use of Beta 1,3 - Glucan - Containing Compositions to Potentiate Immune Responses by Upregulating the Expression of Costimulatory Molecules**



I hereby certify that the following correspondence:

Utility Patent Application Transmittal, Response Card, and all documents referenced therein

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

Nov. 6, 2000*(Date)*Matt Robinson*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EL617999225US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.